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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,712	12/30/2003	Sandra A. Richlen	659-1149	2103
757	7590	08/30/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			CHAPMAN, GINGER T	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/748,712	Applicant(s) RICHLEN ET AL.	
	Examiner Ginger T. Chapman	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The declaration under 37 CFR 1.132 filed 22 June 2006 is sufficient to overcome the rejection of claim 29 based upon Balogh et al (US 6,755,808) applied under 35 USC 103(a).

### ***Status of the claims***

By way of applicants' amendment, claims 1-19 and 29 are pending in the application; claims 20-28 are cancelled.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gompel et al (US 6,132,410) in view of Sigl et al (US 4,437,860).

With respect to claim 29, Van Gompel et al disclose an absorbent garment (fig. 1) comprising: a front body panel (53) comprising a terminal waist edge (61) and a terminal crotch edge (63); a rear body panel (52) comprising a terminal waist edge (60) and a terminal crotch edge (62); wherein the terminal crotch edge of the rear body panel is longitudinally spaced from and forms a gap (c. 5, ll. 15-20) with the terminal crotch edge (62) of the front body panel (53); and an absorbent insert (32) comprising first and second longitudinally spaced end portions (79,

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78) and opposite laterally spaced side edges (80, 80), wherein the absorbent insert (32) bridges the gap between the front and rear body panels (53, 52) with the first and second end portions (79, 78) overlying and connected to (44, 44) the front and rear body panels respectively (c. 17, ll. 48-51); wherein at least one of the first and second end portion (79, 78) of the absorbent insert (32) is connected respectively to a corresponding one of the front and rear body panels (c. 13, ll. 55-65) with at least first (82) and second (83) adhesive regions.

Van Gompel discloses first and second adhesive regions but does not expressly disclose the first and second adhesive regions having first and second corresponding adhesive properties respectively wherein the adhesive properties have different values. Sigl et al, at column 3, lines 22-26 teaches the ability of adhesive to be applied at different concentrations and different patterns at different regions to provide different properties at each region thus disclosing the desire and motivation to use adhesive to optimize the desired property at each region. Sigl et al teach first and second regions (32a, 32b) having first and second corresponding properties (col. 4, ll. 13-27) and further teaches at col. 4, ll. 60-66 that relatively stiff adhesive imparts properties of greater rigidity to regions of the diaper and more flexible adhesive imparts properties of greater conformability to selected regions of the diaper. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the adhesive in the article of Van Gompel having different properties as taught by Sigl since Sigl states at column 4, lines 17-20 that the advantage to providing a diaper with this design is optimizing the adhesive application in selected regions of the diaper to select for different properties.

Claims 1-5 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gompel in view of Sigl as applied to claim 29 above, and further in view of Kerr et al (WO 99/32062).

With respect to claim 1, the combination of Van Gompel and Sigl disclose an absorbent garment having first and second adhesive regions having adhesive properties having different values but do not expressly disclose basis weights. Kerr et al at page 2, lines 14-23 expresses the desire and motivation to optimize adhesive distribution for an absorbent garment to provide secure attachment of components while minimizing the amount of adhesive required (p. 3, ll. 20-36). As seen in Figures 1-4, Kerr et al disclose first and second corresponding adhesive properties of the first (4) and second (3) adhesive regions comprise first and second basis weights wherein the second adhesive basis weight is greater than the first adhesive basis weight (p. 5, ll. 9-17). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the adhesives of Van Gompel and Sigl comprising first and second basis weights as taught by Kerr since Kerr teaches at page 5, lines 9-17 that adhesive can be applied at high basis weight to the areas of the garment that are exposed to high stresses and applied at lower basis weight in the regions that experience less stress in order to provide secure attachment and minimize the amount of adhesive required.

With respect to claim 3, the combination of Van Gompel and Sigl in view of Kerr discloses a first adhesive basis weight between about 5 gsm and about 15 gsm (p. 12, l. 2) and a second adhesive basis weight between about 20 gsm and about 50 gsm (p. 12, l. 1).

With respect to claims 2, 4, 5, 9 and 10, Kerr teaches at p. 3, ll. 20-24; p. 4, ll. 14-36; p. 5, ll. 8-17 that optimal distribution of adhesive in the known process of balancing parameters of adhesive performance and breathability in the peripheral and central regions of a particular garment can be optimized by applying adhesive at high basis weight to areas of the garment exposed to high stresses such as the periphery and at areas where high breathability is not required, and applying adhesive at low basis weight in the central regions where the garment experiences less stress and where high breathability is required. In view of the teachings of Kerr et al, discovery of the optimum location and application of adhesive in a particular garment in the known process of joining the garment would have been obvious to one of ordinary skill in the art at the time the invention was made, since Kerr states at p. 5, ll. 8-17 that the advantage to forming a garment with this design is that the amount of adhesive required can be minimized by providing at least two zones of differing adhesive basis weight applied to the surfaces of the garment to be joined such that adhesive can be applied at high basis weight to areas exposed to high stresses where high breathability is not required and applied at low basis weight at areas with less stress and where breathability is required thus optimizing distribution of the adhesive by providing secure attachment while minimizing the adhesive required for a particular garment.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gompel ('410) in view of Sigl in view of Kerr as applied to claim 1 above, and further in view of Van Gompel et al (US 2004/0122401 A1).

With respect to claims 6-8, the combination of Van Gompel ('410) and Sigl in view of Kerr disclose the insert connected to the front and rear body panels but does not expressly disclose the body side of the absorbent insert connected to a garment side of the front and rear body panels.

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Van Gompel ('401) discloses the absorbent insert (50) comprises an outer layer (68) comprising a stretchable material (p. 6, [0065], ll. 1-5) as recited in claim 6; and, at p. 7, [0074] discloses the ability of the body side of the insert (50) to be connected to a garment side of the front and rear body panels (4, 6) and alternatively, the garment side of the insert (50) connected to a body side of the front and rear body panels (4, 6) thus disclosing a desire for either the body or garment side of the insert to be connected to either the garment or body side of the front and rear body panels, respectively. At the time the invention was made, it would have been obvious to one having ordinary skill in the art to provide the body side of the insert connected to a garment side of the panels or the garment side of the insert connected to a body side of the panels because applicant has not disclosed that either provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either a garment side of absorbent insert connected to a body side of front and rear body panels or the body side of the absorbent insert connected to a garment side of the front and rear body panels as taught by Van Gompel ('401) because both configurations perform the same function of securing the insert to the body panels.

### ***Response to Arguments***

Applicant's arguments with respect to claim 29 have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571) 272-4934. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ginger Chapman  
Examiner, Art Unit 3761  
08/24/06

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TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

